Proceedings

App. F IX 4

1926-27

mc File No 190

Previous References (mc)

mc 205-22-1,2+5

mc 388-07-3,4,6+8

mc 388-07-1,2,5+7

Serial Nos.

Later References

mc 119-27 Sec 1, 2+3

General and Revenue Secretariat.

Serial Nos

Part B for B Anyat 27

SUBJECT

Empowering the Presidents of the Bangalore & Mysore city municipalities to collect arrears of excess water charges as municipal taxes

E.O. No Camp 11-15 & 18/6/27

Directs that the proceedings adopted by Mysore city municipal council be & the Bangalore city also

Mc 3187-27

W D 1264—GPB—40 000—17 12-26
App F III—2]

General and Revenue Secretariat

6397

nil File No 1920 of 1926

Serial No

to 1

From

The Chief Engineer Ry Elly Sore
No 13075-8 26 5-26

Requests that as a special case the precedents of the Bangalore and Ellysore Municipalities may be empowered to collect arrears of excess water charges as Municipal Taxes

1) The excess water charges are being collected by the P W Dept and can not be considered as Municipal Taxes, as they are not levied under any of the provisions of the M. Regulation As such the Municipalities can not collect such charges as arrears of Municipal Revenue

2) The Chief Engineer was already advised of the in the Revenue Secretary's letter dated 1st September 1923 But he requests that his proposal may be treated as a special case, to avoid loss of revenue to Government

3) This is for consideration

Rule 20(a) of P W code No 29/6 1/7/26 1912 — authorises Executive Engineers to write off debts for amounts not exceeding Rs 100 in any one year This

Flag A

Flag B

7

—Contin Sheet

Serial No

to be a sufficient remedy. If connexion is restored to be ~~pressed~~ pressed the payment of previous arrears may be insisted upon. That remedy seems also open if this should be deemed not sufficient the remedy seems to be to distribute the total cost of water supply among all the buildings in suitable proportions under section 59 cl(viii) where the entire cost could be recovered under the first clause. It were well if the Legislature could by amendment of section 59 (2) dispense the discussions

4/ The opinion of the Govt Advocate at para 9 of the notes in the file No 205 22—5 seems to solve the difficulty

BOR 3/9

9/9/26

Hon
completed
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Sched 5 - Sanct
- he sum mentioned A
and in Council
then
Mr

B

Contn Sht

General and Revenue Secretariat

File No 1 of 19

Serial No

5) The Chief Engineer, requests that now that the maintenance charges of the water supply installations in both the Bangalore and Mysore Cities -- have been ordered to be met by the respective Municipalities fully, the recovery of excess water --- charges may be ordered to be done by them instead of by the Department of Public Works as is being done hitherto, treating it as a Municipal claim.

6) The Government Advocate who was consulted in the matter when a similar request was made by the Chief Engineer in 1923 was of opinion that this --- could not be done unless the Municipality enhance the water rate itself so as to include the excess water charges after observing the required procedure

Ref A.

7) Under Rule 20 of the rules regulating the --- water supply in the 2 Cities certain powers are given to the Executive Engineer which include power to cut off the connection between private pipes and public main when any default is made in payment of excess -- water rates, meter rent and other charges due under the rules From para 2 of the Chief Engineer's -- letter there is reason to believe that arrears remain even after the adoption of the above procedure

Ref S

8) In view of the opinion of the Government -- Advocate already given it is for consideration what measures could be adopted in such cases, so as to -- prevent loss of revenue to Government.

9) The rules regulating the water supply in the 2 Cities must be deemed to have been issued Under Section 176 of the Municipalities Act Even

NOTE—Contn Sheet

11

Serial No

the latest order relating to the improvement of the water supply in Bangalore, the management and control are to vest with the Government in the Public Works Department

(b) Under Rule 13 of the said rules, it is stated --- that the excess water rate, meter rent and other charge due under the said rules are to be collected by the Executive Engineer or his authorised agent quarterly on bills prepared in his office and that the owners of houses or property shall be solely responsible for the payment of all charges due, which shall be recoverable in the manner laid down in Chapter VIII of the Municipal Regulation

(c) Under Section 176 (d) of the Regulation it shall be lawful for Government to prescribe by Notification in the Official Gazette rules having the force of law for the proper management and maintenance of such wo (work constructed by Government in any municipality) and for the regulation of all matters and things --- connected therewith

(d) As the rules issued with Notification of 1912 in the 2 Cities have thus the force of law it seems to the Executive Engineer or his agent may adopt any of the steps recommended in Chapter VIII of the Municipal Regulation as regards recovery of municipal dues in regard to the dues on account of excess water charge

(e) If this view is approved this may be indicated the Chief Engineer and if he, after adoption of this procedure, still considers that the Municipal authorities themselves have to be entrusted with the wor

When

Chief

WD 0.284—GPB—40 030 7

General and Revenue Secretariat

6-597 F

File No 1922 of 1926

Serial No

then the rules will have to be changed so as to - require the Municipal Councils to include excess water charges in the water rate levied under the Municipal Rules

14/ Put up the old rules for 5 to authorising D P S to collect excess water charges - 15/ I should like to know the reason why does the agency was appointed to collect water exp-

WD 264—GPB—40 000—1-12-2
App F III—2]

69

General and Revenue Secretariat

File No 1922 of 1926

Serial No

187 THIS FILE RELATES TO RECOVERY OF EXCESS WATER CHARGES IN THE 2 CITIES OF BANGALORE & MYSORE.

At present the Municipal Councils recover --- water rates on lands and buildings imposed under Section 59 of the Municipal Regulation and the excess water charges are recovered by the Water Supply Department under Notifications Nos 5275 and 5276 dated 29th June 1912

2 The Chief Engineer has requested that orders may be issued empowering the Presidents of the 2 City Municipal Councils to collect arrears of excess water charges as Municipal taxes to avoid loss of revenue to Government

3 The Chief Engineer made a similar request in 1923 The Government Advocate who was then consulted in the matter said that this could not be done unless the Municipal Councils enhance the water rate itself so as to include the excess water charges after --- observing the required procedure

4 Section 59 of the Municipal Regulation empowers Municipal Councils to impose water rates or water --- rates for water supplied which may be imposed in the form of a rate assessed on buildings and lands or any other form including the charges for such supply fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case

5 It is found from the original rules regu the supply of water to both the Cities that it w

the Presidents of the Municipal Councils who were entrusted with the collections of the excess water charges also in the 2 Cities (vide para 11 of Government Order No 860-7/4737-44 dated 22nd August 1898 for Bangalore City and para 10 of Government Order No, 1258-63/8403-8, dated 17th December 1906 for Mysore City)

6 In January 1911 the Chief Engineer represented that the Municipalities are not recovering the charges from parties in time, that large arrears had to be --- written off by Government, that monthly statements of recoveries are not being sent to the Executive Engineer with defaulters' names to enable him to cut off supplie defaulting consumers that the Municipal management -- was not efficient in this respect and that the water supply Department which manages the concern may be mo directly responsible for collecting excess water charg as they can deal directly with consumers as in the ca of Electrical Department

7 It was on this representation that the rules -- ere changed so that the Water Supply Department now collect water charges under the orders of June 1912

8 As the 2 Municipal Councils are now required to eet the full maintenance charges, they may perhaps uired to amend their rules so as to allow them to collect excess water supply charges also, and the -- ater supply rules of the Department of Public Works of June 1912 modified suitably

S OFFICE.
Received on
26 UG 1926
No. 1440

NOTE:—Cover sheet

General and Revenue
Secretariat

File No 65

Serial No

17 Resubmitting a draft
28/8/26

18 Draft put up

31/8/26 [illegible] L 2 Decs) 1/9

19 appd
8/9

20 [illegible]
8/9

2 The Pol [illegible] CC
Bangalore & Mysore
L 1792-3 of 8/9/26
Forwards copy of [illegible] letter No. 5
1307 of 17/25-5-26 from the Chief Engineer
(Sl 10) and requests to be furnished with their views in the matter.

Sur 15/9

3 From
The Municipal Commissioner
Bangalore City [illegible]
No 1468 of 15 6 27
Furnishes the views of the
[illegible], as called for

Note—Continuation Sheet

5201 WD 0.229—GPB—37 500—1 9-26
App F III—2]

General and Revenue Secretariat

nil File No 190 of 1926

Serial No.	
3	From The pt city M C elly Sore No 362 d 15-9-26 Furnishes her views as called for in xx 2
4	From the M C commr Bangalore city M C No 1466 d 16-4-26 Furnishes the views of the M C Council in the matter 2/ The pt city M C elly Sore States that it will be to no advantage to empower M C cls to collect the excess water charges, as they have only limited Co-ercive processes 2/ On the other hand the Bangalore city M C cl are in favor of empowering them to collect such dues Reference para 16 supra
BR 30/4	23/ How does the PWD dept proceed to recover the dues in cases of default? Please refer Rule 2/5
5	24/ please see Rules 13 and 20 of the Rules issued in the matter. According to these Rules, two courses are permissible to the P W D in the collection of excess water charges from the defaulters.

OTL—Contn Sheet

5201 10/

p F III—2]
General and Revenue Secretariat

Mil File No 190 of 1926

Serial No

(i) Destress Warrant and Sale of Moveable property, under the provisions of Chapter VIII of the Mil Regulations, — a measure which is commonly adopted with success by Mil cls for collection of their taxes over due

(ii) cutting off Connection between the private pipes and the public main — a measure which has not proved successful to far, in collection of dues,

2) The P W.D have adopted only the second course so far and the result is a complaint of failure. As already suggested at paras 12 & 13 supra, the Chief Engr may be asked to try the first course for some time and report the result with his further suggestions in the matter

PJS 3/5/27 A.

3) Submitted with reference to para 16— Dewan's views above. The Surgeon Mil President's opinion is contained in his letter dy 15/9/26 and the Bangalore Mil Commr's opinion in his letter dy 18-4-27. Move against the

3 Ch Engr 25/5/26

Mil 4/5

NOTE—Contn. sheet

Adopted 1

GPB—5 000—30-3 27

1-201 h 11)

App F III—2]

General and Revenue Secretariat

File No of 192

Serial No

AN S OFFICE.
Receiv d on
7 MAY 1927
No 850

no need for transferring the responsibility for collecting excess water charges from the PW officers (who are now collecting them) to the Revl Commr as proposed by the Chief Engineer

MW 4/5

Chdery 2) Reference to Supra

Dewan

MW 5/5 Mud 6/5

3) The Chief Engr has pointed out that these excess charges, although collected by Ex Engr Gd to the credit of Irrn Revenue charge payable by Irrigators Ex Engr has no agency for recovering dealers

4) The suggestion that Irrigation Dr of Revenue seems therefore the proper

5) The Bd Revenue made a further proposal that Prof Enclosed Commrs may receive Dr the Expenses present practice may continue

6) Submit to Dewan after letter (Note 16)

Lee

S OFFICE.

MAY 1927

NOTE—Contn sheet

GPB—5 000—30-3-27

33/ Prodr

5201 12

App F III—2]

General and Revenue Secretariat — File No 190 of 1926

Serial No

34/ A draft GoIs order is put up with reference to paras 28-33 supra

PB 26/5/27

Macpherson

27/5

Ch Secy

35 Branch Please put up so as to dispose of, water supply arrangements. Is there any clause re levy by Municipality of excess water charges also.

1/6

reg K

36 × 9 o 9 4th January 1927 on the subject is put up. In para 5, the recommendation by the Special Committee is about the Municipality will charge excess water charges.

Secy 2/6/27. From clause 17 it may be inferred that the Municipality is expected to collect excess water charges

845

NOTE—Contn sheet

WD 01289—GPB—37,500—1-9-26
App. F III—2]

General and Revenue Secretariat

File No 1527 / CRO 23 of 192

Serial No.

Subject with reference to personal instructions. The Municipality Kalutara has been authorised to collect the excess water charges on the Municipality / Kalutara Bungalow for the year 1926 from the Municipality Kalutara. Draft—accepting is put up for approval

Chairman
Port Commissioner.

6/8
11-8

The Municipal Council Kalutara

7 AUG 1927

Secretary

Esqr
Mun
14/8
Mun
11/8

4996

WD 1998—GPB—5 000—27 4-25

No. 18075/2

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE

Dated Bangalore 12/25 May 1926

ml 190-26-1

GENERAL & REVENUE SECRETARIAT
6397
27 MAY 1926
LOCAL SELF GOVT BRANCH

REV FROM ABOTT.
Ba.
25 MAY 1926

JOHN BHORE Esq AMICE
Chief Engineer of Mysore
Bangalore

B Nagappa, Esq , Bar-at-law ,
Secretary to Government, Local and Legislative
Departments Bangalore

ml-72-25-1

Sir

I have the honor to inform you that the excess water charges ,

1	Uttaraji Mutt	Rs	183	8	0
2	Basavalingappa's Chattram	"	86	0	0
3	Anathalaya	"	42	12	0
4	Chamal Mutt	"	117	0	0
5	Desaretty Chattram	"	67	8	0
6	Nanjunda Chetty "	"	138	12	0
7	Kadiah's Choultry	"	392	0	0
8	Mr M L Vardhamaniah's Chattram	"	2,024	12	0

due from the marginally noted Charitable Institutions at Mysore have been outstanding for a long time without adjustment inspite of several reminders and even after cutting off water supply to them so far back as 15th April 1923

2 The Secretary to Government, Revenue Department, was requested in this office Nos 10435 and 226 dated the 15th June 1923 and 9th July 1923, respectively, to move the Government to empower the Presidents of Bangalore and Mysore Cities to recover such irrecoverable arrears from the parties who failed to pay the same even after enforcing the rule 20 of the revised rules for the regulation of water supply from Chamarajendra and Vani Vilas Water Works to Bangalore and Mysore Cities (printed copies of regulations are enclosed for reference) as Municipal taxes as contemplated in sub-para (4) of para 5 of G O No R 6059-65/M1 176-19-25 dated the 19th April 1922

3 In reply, the Secretary stated in his letter No L 1756/1 205-22-25 dated the 1st September 1923, that the excess water - - -

charges are being collected by this Department and cannot be considered as "Municipal Claims" and consequently the Presidents cannot collect such charges as arrears of Municipal Revenue.

4 The amounts recovered as excess water charges are being deducted in the total cost of the A M Estimates of these two water supplies and it is therefore a source of revenue to the Municipalii towards meeting the maintenance charges

5 Now that the maintenance charges of the water supply installations of both Bangalore and Mysore Cities have to be met by the respective Municipalities fully, I request you to move the Government to empower the Presidents to collect such arrears as Municipal Taxes, as stated in para 2 above, as a special case, to avoid loss of revenue to Government

I have the honour to be,

S i r,

Your most obedient servant,

Chief Engineer of Mysore. 15-5

HRR/15th

15

F VI 61]

BJFCT

Section [illegible]

File No 92-26

Serial No 2

No A/1792

No of letter replied to 6787

To

The presidents of Municipal

Bangalore & Kolar

General and Revenue Secretariat

( )

the *192*

Sirs,

Date of issue 8/9/26

Signed by - for T.K.S.

I am directed to forward herewith copy of letter No B 1307 dated 17/25 5 26 from the Chief Engineer Kolar requesting the Presidents of the Bangalore and Kolar Municipal Councils may be empowered to collect arrears of electric supply charges as municipal taxes and to request you to be so good as to furnish your views in the matter at a very early date

over Please etc

List of enclosures

Replied by

Countersigned by

WD 01265—GPB—31 000—24 12 25

1/9 sent

B.S.

3/9

Ltd

3/9/26

No. 362

12992

13 SEP

OFFICE OF THE PRESIDENT,

CITY MUNICIPAL COUNCIL MYSORE

Dated 14th September 1926

FROM

N MADHAVA RAU, ESQUIRE B A B L

President City Municipal Council

Mysore

The Secretary to the Government of

H H the Maharaja of Mysore

Local and Legislative Departments

BANGALORE

Sir,

I have the honour to acknowledge receipt of your letter no L 1792-3 dated 8th September 1926 inquiring if the municipalities of Bangalore and Mysore might be empowered to collect arrears of excess water supply charges from house owners - These charges cannot be considered to be municipal claims as pointed out by the Chief Engineer, and if it is desired that the municipalities should collect such dues it will be necessary to amend the Mysore Municipal Regulation Such a course however will lead to no advantage The Municipal Councils, with the limited coercive processes open to them, cannot be expected to collect arrears which the Water Supply Department have left in arrears so long after having taken the extreme step of -- cutting off service to the buildings

Besides, the particular cases mentioned in the Chief Engineer's letter relate to demands from charitable institutions which have been exempted from payment of excess water charges with effect from 1st July 1926 under Government Order No M 101-24-14 dated 2nd July 1925 It would be expedient to give retrospective effect to this order and waive the claim for the arrears in question

I have the honour to be

Sir

Your most obedient servant

PRESIDENT

GVH

No. R. No. 146 — 20/4/27 CITY MUNICIPAL OFFICE,
EC 1

Bangalore City Dated 18th April 1927

From T. Govinda Row, Esq.,
MUNICIPAL COMMISSIONER, CITY MUNICIPALITY

To

N. MADHAVA RAO, Esq., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

Sir,

With reference to your letter No. I/179-3 dated 8th September 1926 asking for the opinion of the Municipal Council whether the Presidents of the Bangalore and Mysore City Municipality may be empowered to collect arrears of excess water supply charges as Municipal taxes, I have the honour to state that the question was considered by the Managing Committee in the first instance and then by the Council. They are unanimously of opinion that the President of the Bangalore City Municipal Council may be empowered to collect arrears of excess water charges as Municipal taxes and that Government be requested to give credit to the Municipality of all arrears in the shape of excess water collections that may be outstanding

2. A copy of the proceedings is submitted for information

3. In this connection, I may bring to the notice of Government that under Section 186 B of the Municipal Regulation, the executive powers pertaining to the

to the recovery of Municipal claims under Chapter VIII of the Municipal Regulation are vested in the Municipal Commissioner, Bangalore City Municipality

I have the honour to be,

Sir,

Your most obedient servant,

K Govindaiah

Offg Municipal ~~Commissioner~~

Forwarded with compliments,

[illegible]

Honorary President

K.,

Proceedings of the Adjourned Council Meeting of the City Municipal Council, Bangalore, held on Tuesday the 22nd March 1927 at 8 A.M. in the Council Chamber, City Municipal Office.

Present.

Mahomed Abbas Khan, Esq, (President)

Councillors.

1. Mr V H.Hanumanthappa,
2. Mr S.M.M.Razvi,
3. Mr G Paramasiviah,B A LL B ,
4. Mr. M.G.Sanjeeviah,
5. Mr. C K.Muthappa,
6. Mr G Siddaveerappah,
7. Mr R Gopalaswami Iyer,
8. Mr C Rayavadana Rao,B A ,B L ,
9. Mr S Venkataranagiengar,
10. Mr N V Kalyanpur,
11. Mr. P Subbaramachetty,
12. Mr D Venkataramiah,B A ,L T
13. Mr P M.Basappa,
14. Mr.M C.Chicknanjundappa.

Absent.

1. Dharma Prakasa Mr B V Krishniengar,
2. Mr G Muniyappa,
3. Mr.Belur Srinivasiengar,B A ,B L ,
4. Mr. M Bhadrappa,
5. Mr. B.Abdur Rahmon, B A.,
6. Mr B.L.Byanna,
7. Mr G.B.Raghavendrachar,B A ,
8. Mr C.M.Narasinga Rao, B.A ,B L ,
9. Mr S N.Sitharama Rao,
10. Mr M Ramachandra Rao Sindia,
11. Mr M Royan,
12. Rev S J Cox,M A ,
13. Mr P Murugesam Pillay,
14. Mr B N Vijayadeva, M A , Bar-at-Law ,
15. Mr V A Krishnamurthi Modaliar, B.A ,

---

9 To consider letter No L 1792-3/dated 8th September 1926, from the Secretary to Government, Local and Legislative Departments asking whether the Presidents of the Bangalore and Mysore City Municipal Councils can be empowered to collect arrears of excess water supply charges as Municipal taxes, and the opinion of the Managing Committee, dated 23rd December 1926, approving of the proposal

Resolution: The President proposed and Mr C Rayavadana Rao seconded that the opinion of the Managing Committee that the President of the Bangalore City Municipal Council may be empowered to collect arrears of excess water supply charges as Municipal taxes be approved Carried unanimously

2 Further resolved that Government be also in

informed that the Bangalore City Municipality be given credit to all the arrears in the shape of excess water collections that may be outstanding

Sd/- Mohamed Abbas Khan,
Honorary President

"Copy"

For Municipal Commissioner

by

Proceedings of the Govt of His Highness the Maharaja of Mysore

---o---

R e a d --

Letter No 13075 dated the 25th May 1926 from the Chief Engineer in Mysore recommending that the Presidents of Bangalore and Mysore City Municipalities be empowered to collect arrears of excess water charges as Municipal Taxes

13/6/27 sd by mr m/u Iyengar

2 Correspondence ending with letter No 362 dated the 10th September 1926 from the President City Municipal Council Mysore on the subject

3 Also letter No G 146 dated 18th April 1927 from the Municipal Commissioner, City Municipality Bangalore on the same subject

Fear K

4 Government Order No 4285-8/M1 84-26-6 dated the 4/7th January 1927 passing orders on the report of the Committee appointed to consider questions connected with the Water Supply of the Mysore City, and directing among matters that the responsibility for the col ection of excess water charges should be taken over by the Mysore Municipal Council

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ORDER NO L C 11- 15

Bangalore, 13/6/ 1927

The procedure proposed by the Chief Engineer has been sanctioned in the order of 4th January 1927 in the case of the Mysore City

City Municipal Council the same procedure will be followed hereafter in the Bangalore City also

Chief Secretary to Govt

To

The Chief Engineer in Mysore
" President, City Municipal Council Bangalore,
" The Municipal Commissioner Bangalore City Municipality THRO' the President, City Municipality
" Secretary to Govt P W D
" Comptroller to Govt
"

VVk 1